

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM EMERY LeBLANC,

Petitioner,

v.

MARY BERGHUIS,

Respondent.

Case No. 1:02-cv-594

Hon. Richard Alan Enslen

FINAL ORDER

In accordance with the Opinion of this date;

IT IS HEREBY ORDERED that Petitioner William Emery LeBlanc's Objections (Dkt. No. 50) are **DENIED**, Respondent Mary Berghuis' Objections (Dkt. No. 53) are **GRANTED**, the Report and Recommendation (Dkt. No. 49) is **ADOPTED IN PART AND REJECTED IN PART**, and the Petition for Writ of Habeas Corpus is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the Court grants Petitioner a certificate of appealability limited to the following issues: Claim I (ineffective assistance of counsel, Sixth Amendment) limited to the issues of whether the following non-action by defense counsel constituted ineffective assistance of counsel: a. failure to present the testimony of Dr. Jones-Smith (a competing expert); b. failure to introduce additional victim letters; and c. failure to conduct jury voir dire on the issue of race; Claim II (Due Process) limited to the issue of whether the failure to conduct jury voir dire on the issue of race violated the Due Process Clause; and Claim VII (ineffective assistance of counsel, Sixth Amendment) limited to the issue of whether any errors associated with the above certified claims when viewed together constitute "cumulative error" warranting habeas relief.

IT IS FURTHER ORDERED that the Court **DENIES** bail pending appeal, but urges the Sixth Circuit Court of Appeals to act promptly on the appeal due to the serious constitutional issues raised.

Dated in Kalamazoo, MI:
September 12, 2005

/s/Richard Alan Enslen
Richard Alan Enslen
Senior United States District Judge